

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Criminal Minute Order

FILED

MAR 26 2008

RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

The Honorable Claudia Wilken, Presiding
Clerk: Sheilah Cahill
Court Reporter: Raynee Mercado
Date: 3/26/08

Plaintiff: United States

v.

No. CR-07-00761 CW

Defendant: Thiem Van Phan

Appearances for Plaintiff:
Maureen Bessette

Appearances for Defendant:
Tam Nguyen

Probation Officer:
Constance Cook for Christina Carrubba

Hearing: Sentencing

Notes: Defendant and counsel have read PSR; no factual disputes. Defendant has signed a promisory note that restitution will be paid to Amdland Corp. Court finds Offense Level 16, Criminal History I, leading to a Guideline Range of 21-27 months. Based on 3553 factors, the plea agreement and the recommendation of probation, the Court places the defendant on five years probation under the usual terms and conditions and the special conditions as set forth in the PSR including 12 months home confinement without electronic monitoring (probation can make unannounced phone calls) and 25 hours community service as directed by probation. The Court waives the drug testing condition. No fine imposed due to restitution amount. Defendant to pay \$100 special assessment. Defendant to pay \$155,640.68 restitution to Amdland pursuant to promisory note (defendant has already paid \$7,500; remaining balance due in monthly installments of \$1000). Any remaining counts are dismissed. See J&C for details.

Copies to: Chambers